

BILL ANALYSIS

C.S.H.B. 2585
By: Harper-Brown
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Highway projects, including toll roads, often result in the need to move utility facilities that occupy the right-of-way. Several years ago, in a major piece of legislation relating to the construction, acquisition, financing, management, and operation of transportation facilities, the Texas Legislature included temporary provisions requiring the Texas Department of Transportation (TxDOT) and applicable utilities to share equally the cost of relocating utility facilities for certain toll road projects. Interested parties note one instance of such a move in which a major telecommunications company and certain other utilities worked with TxDOT to develop a cost-sharing plan for facility relocations. Interested parties further note that utilities currently are reimbursed for half of their costs in relocating facilities in the right-of-way of such state toll road projects from the revenue generated by the operation of such toll roads. The parties contend that this cost-sharing arrangement allows utilities to make better use of capital, which they can do by extending and improving their respective networks in Texas, including broadband and wireless networks, for the benefit of all Texans; that the arrangement has proven successful; and, because the statutory authority for such cost sharing is on the verge of expiring, that the authority should be extended. C.S.H.B. 2585 seeks to continue a current provision for a cost-sharing arrangement for the relocation of utility facilities in a toll road project right-of-way that has proved to be successful.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2585 amends the Transportation Code to extend from September 1, 2013, to September 1, 2017, the expiration date of statutory provisions requiring the Texas Department of Transportation and the applicable utility to share equally the cost of the relocation of a utility facility that is required by the following: the improvement of a nontolled highway to add one or more tolled lanes; the improvement of a nontolled highway that has been converted to a turnpike project or toll project; or the construction on a new location of a turnpike project or toll project or the expansion of such a turnpike project or toll project. The bill applies the cost-sharing requirements to relocations made before September 1, 2017, rather than those made before September 1, 2013.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2585 may differ from the original in minor or nonsubstantive ways, the

following comparison is organized and highlighted in a manner that indicates the substantial differences between the original and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Sections 203.092(a-1), (a-2), and (a-3), Transportation Code, are amended to read as follows:

(a-1) Notwithstanding Subsection (a)(3), the department and the utility shall share equally the cost of the relocation of a utility facility that is ~~made before September 1, 2013, and~~ required by the improvement of a nontolled highway to add one or more tolled lanes. ~~[This subsection expires September 1, 2013.]~~

(a-2) Notwithstanding Subsection (a)(3), the department and the utility shall share equally the cost of the relocation of a utility facility that is ~~made before September 1, 2013, and~~ required by the improvement of a nontolled highway that has been converted to a turnpike project or toll project. ~~[This subsection expires September 1, 2013.]~~

(a-3) Notwithstanding Subsection (a)(3), the department and the utility shall share equally the cost of the relocation of a utility facility that is ~~made before September 1, 2013, and~~ required by the construction on a new location of a turnpike project or toll project or the expansion of such a turnpike project or toll project. ~~[This subsection expires September 1, 2013.]~~

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Sections 203.092(a-1), (a-2), and (a-3), Transportation Code, are amended to read as follows:

(a-1) Notwithstanding Subsection (a)(3), the department and the utility shall share equally the cost of the relocation of a utility facility that is made before September 1, 2017 [2013], and required by the improvement of a nontolled highway to add one or more tolled lanes. This subsection expires September 1, 2017 [2013].

(a-2) Notwithstanding Subsection (a)(3), the department and the utility shall share equally the cost of the relocation of a utility facility that is made before September 1, 2017 [2013], and required by the improvement of a nontolled highway that has been converted to a turnpike project or toll project. This subsection expires September 1, 2017 [2013].

(a-3) Notwithstanding Subsection (a)(3), the department and the utility shall share equally the cost of the relocation of a utility facility that is made before September 1, 2017 [2013], and required by the construction on a new location of a turnpike project or toll project or the expansion of such a turnpike project or toll project. This subsection expires September 1, 2017 [2013].

SECTION 2. Same as introduced version.